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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicants: Kiik, Matti                      Examiner: Ahmed, Sheeba  
Serial No.: 09/712,399                      Art Unit: 1773  
Filed: November 14, 2000  
For: HEAT REFLECTIVE COATED STRUCTURAL ARTICLE

**TERMINAL DISCLAIMER**

CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in an envelope addressed to:  
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

June 12, 2003  
Date of Deposit

Kimberly J. McGraw  
Attorney Name

Kimberly J. McGraw  
Signature

50,994  
Patent Reg. No.

June 12, 2003  
Date of Signature

Commissioner for Patents  
Box 1450  
Alexandria, VA 22313-1450

Sir:

ELK PREMIUM BUILDING PRODUCTS, INC., the owner of the entire interest in the instant application, as evidenced by an assignment and a certificate of name change, hereby disclaims the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the

full statutory term, defined in 35 U.S.C. § 154 to 156 and 173, as presently shortened by any terminal disclaimer of commonly owned prior U.S. Patent No. 5,965,257, which issued from U.S. Application Serial No. 09/134,200, filed on August 14, 1998. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and U.S. Patent No. 5,965,257 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of U.S. Patent No. 5,965,257 in the event that U.S. Patent No. 5,965,257: (i) expires for failure to pay a maintenance fee; (ii) is held unenforceable; (iii) is found invalid by a court of competent jurisdiction; (iv) is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321; (v) has all claims canceled by a reexamination certificate; (vi) is reissued; or (vii) is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is attorney of record and has the authority to execute this Terminal Disclaimer on behalf ELK PREMIUM BUILDING PRODUCTS, INC.

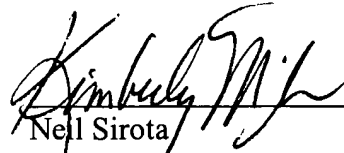
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001

of Title 18 of the United States Code and that such willful false statements may  
jeopardize the validity of the application or any patent issued thereon.

The terminal disclaimer fee under 37 C.F.R. § 1.20(d) is enclosed.

Respectfully submitted,  
BAKER BOTTS L.L.P.

By:

  
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SUBJECT DECISION ON TERMINAL DISCLAIMER INFORMAL FORM

DATE: 6.22.07

APPL. S.N.: \_\_\_\_\_

EXAMINER: \_\_\_\_\_

ART UNIT: 1773

PARALEGAL: BRIAN HARDEN

MAILROOM DATE: 6.16.07

AFTER FINAL: YES \_\_\_ NO \_\_\_

NUMBER OF T.D.(S) FILED: \_\_\_\_\_

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INSTRUCTIONS: I have reviewed the submitted T. D. with the results as set forth below. If you agree, please use the appropriate form paragraphs identified by this informal memo in your next office action to notify applicant about the T. D. If you disagree any analysis or have questions at all about the acceptability of the T. D., please see our Special Program Examiner or me.

THIS MEMO IS AN INFORMAL INTERNAL MEMO ONLY. IT MUST NOT BE MAILED TO APPLICANT, NOR SHOULD A COPY BE LEFT IN FILE. WHEN YOUR OFFICE ACTION IS COMPLETED, YOU MUST INITIAL AND DATE & RETURN THIS TO PARALEGAL.

☒ The T. D. is PROPER and has been recorded. (See 14.23)

☐ The T.D. is NOT PROPER and has not been accepted for the reason(s) checked below. (See 14.24)

☐ The recording fee of \$ \_\_\_\_\_ has not been submitted nor is there any pre authorization in the application to charge to a deposit account. (See 14.25)

☐ Application Examiner has not processed fee for T. D.

☐ The T.D. does not satisfy Rule 321(b)(3) in that the person who has signed the T. D. has not stated his/her interest and the extent of the interest of the business entity represented by the signature in the application/patent: (See 14.26)

☐ The T. D. lacks the enforceable only during the common ownership clause needed to overcome a double patenting Rule 321(c). (See 14.27 and 14.27.1)

☐ T. D. is directed to a particular claim(s), which is not acceptable since the disclaimer must be of a terminal portion of the entire patent to be granted, MPEP 1490. (See 14.26 and 14.26.2)

☐ The person who signed the terminal disclaimer:

- ☐ has failed to state his/her capacity to sign for the business entity. (See 14.28)
- ☐ is not recognized as an officer of the assignee. (See 14.29.1)

☐ No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the frame specified as to where such evidence is recorded in the office. 37CFR 3.73(b). (See 1140 O.G. 72) NOTE: This documentary evidence or the specifying of the reel and frame may be found in the T.D. or in a separate paper submitted by applicant. (See 14.30)

☐ No "STATEMENT" specifying that the evidentiary documents have been reviewed and that, to the best of the assignee knowledge and behalf the file is in the assignee seeking to take action 37 CFR 3.73(b). (See 1140 O.G. 72)

☐ The T. D. is not signed (See 14.26 and 14.26.3)

☐ Attorney is not of record in the oath/declaration or a separate paper filed appointing a new or associate attorney, nor is there a customer number.

☐ The serial number of the application (or the number of the patent) which forms the basis for the double patenting is missing or incorrect. (See 14.32)

☐ The serial number of this application (or the number of the patent in reexam or reissue case(s) being disclaimed is missing or incorrect. (See 14.26, 14.26.4 or 14.26.6)

☐ The period disclaimed is incorrect or not specified. (See 14.27, 14.27.2 or 14.27.3)

☐ Other \_\_\_\_\_